

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RONNIE TOWNSEND, #121142, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             ) CIVIL ACTION NO. 2:06-CV-564-MHT  
                                  )  
LT. COPELAND, et al.,        )  
                                  )  
Defendants.                  )

**ORDER**

Upon review of the file in this case, and as this court must determine the date of filing for the instant complaint under the law applicable to inmate filings, *see Garvey v. Vaughn*, 993 F.2d 776, 781 (11<sup>th</sup> Cir. 1993); *Houston v. Lack*, 487 U.S. 266, 271-272 (1988), it is

ORDERED that on or before January 3, 2007:

1. The plaintiff shall file either a declaration in compliance with 28 U.S.C. § 1746 *or* a notarized statement which sets forth the date he deposited his complaint in the prison's internal or legal mail system for mailing to this court.<sup>1</sup> The court notes that the Clerk "received" and "filed" the complaint on June 26, 2006, a Tuesday, and the envelope in which Townsend mailed the complaint contains a postmark of June 23, 2006. A thorough review of the docket establishes that the court has received each of Townsend's documents within at least six (6) days of his preparing a certificate of service for the documents. Based on all of the aforementioned facts,

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<sup>1</sup>A declaration may be made in "substantially the following form . . . 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 28 U.S.C. § 1746(2).

it appears to the court that Townsend would have deposited the complaint for mailing at anytime on or after June 20, 2006, a Wednesday.

2. The plaintiff must file copies of all documents within his possession that support the date of mailing set forth in his declaration or notarized statement.

3. The defendants shall file any evidence available to them, including prison mail logs and statements from correctional officials, which indicates the date on which the plaintiff placed his complaint in the prison mail system for mailing to this court.

The parties are advised that the Court will consider *all* relevant circumstances in deciding the date on which the plaintiff presented his complaint for mailing.

Done this 14th day of December, 2006.

/s/ Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE